

TOWN OF SUPERIOR
TOWN COUNCIL MINUTES

**A SPECIAL MEETING OF THE TOWN COUNCIL OF THE TOWN OF SUPERIOR,
HELD ON WEDNESDAY, DECEMBER 9, 2015, AT 7:00 P.M. IN THE SUPERIOR
TOWN HALL AUDITORIUM, SUPERIOR, ARIZONA, PINAL COUNTY, ARIZONA.**

CALL TO ORDER

Mayor Valenzuela called the meeting to order at 7:08 p.m.

ROLL CALL

Mayor	Jayne Valenzuela
Vice Mayor	Olga Lopez
Councilmember	Michael Alonzo
Councilmember	Steve Estatico
Councilmember	Mila Besich-Lira
Councilmember	John Tameron
Councilmember	Gilbert Aguilar – arrived 7:56 pm

PLEDGE OF ALLEGIANCE

Mayor Valenzuela led everyone in the Pledge of Allegiance

INVOCATION

Pastor Dennis Van Gorp, Family Life Christian Center, gave the invocation.

STAFF PRESENT

Town Manager	Margaret Gaston
Town Attorney	Stephen R. Cooper
Town Clerk	Rachelle Sanchez
Police Sergeant	Anthony Doran
Zoning Administrator	Lawrence Tomasello
Town Hall Staff	Ruby Cervantes
Town Hall Staff	Nora Miramon
Town Hall Staff	David Romero

PUBLIC ATTENDANCE

Bruce Armitage	Sue Anderson
Freddie Miramon	Pam Rabago
Nancy Garcia	Jessie W. Byrd
Kimberly A. Byrd	Rita Martinez

Special Council Meeting Minutes

Page 2

December 9, 2015

PRESENTATIONS

Jim Huber, Arizona Rangers, gave a presentation on the activities the Arizona Rangers can help with, emergencies and how they help, all at the request of the local law enforcement. A brochure was given to the Council.

STAFF REPORTS

Mayor Valenzuela reported that Resolution Copper had some top executives here in the previous week. A couple of Councilmembers participated and also Mayor Valenzuela, and Councilmembers Besich-Lira and Tameron met J.S. He also reported a filter plant was going to be built by Resolution near the San Tan valley. Mayor Valenzuela was surprised, he thought all plants would be built here to help with employment.

Mayor Valenzuela and his family participated in the Miracle on Main Street event put on the Optimist Club. The Town decorations were put up with help from ASARCO for the use of a lift.

Manager Margaret Gaston reported the Christmas decorations on the light poles on Main Street were put up last Friday thanks to the assistance of ASARCO and United Rentals providing a lift to help with the decorations. For informational purposes, the new light pole at Magma and Main does not have an electrical outlet, which is because APS no longer allows them on their poles. The Town owns the pole, so the Construction Manager is asking if APS can install an electrical outlet on the pole. I was told that there are a few poles that don't have outlets, and they will not be installed on APS's poles. It's a liability issue.

Last Friday a major water leak developed at Town Hall. There were too many holes in the pipe, then the gate valve wouldn't close properly, so water continued to run. Monday morning four employees from Safety Miners worked on it, replacing the galvanized pipe with PVC and a new ball valve that works. The work went from the basement underneath the old school, to replacing approximately 120 feet in the hallway of this upper section. Water flooded one classroom, the hallway and wrecked a major portion of the ceiling in a classroom, and the hallways. Town Hall had been without water since Friday afternoon until Tuesday morning, when the bathrooms were operational again. The Town paid for the labor and parts, approximately \$1200, and Safety Miners will replace the ceiling since they are renting that part of the old school.

I walked the Superior Airport Runway with the Commander and Sgts. who run the Hot Shot crew from the prison. The Airport Advisory Committee had suggested getting the trees trimmed by the airport runway. The Hot Shot crew is from the prison by Globe, they are prisoners, but they will work 12 hour days in order to get the project down as quickly as possible to save us money. The estimate is about \$4,450.

Chief Neuss met today with the Pinal County Animal Control Director, to discuss animal control and also possibly setting up a date in January to give out dog licenses and also their shots, all on

Special Council Meeting Minutes

Page 3

December 9, 2015

the same day. The Director wants to come to a Council meeting in January. Our IGA has expired and we will also have to renew it.

CONSENT AGENDA

Mayor Valenzuela asked if any Councilmember wanted to request any item be removed from the Consent Agenda for a separate discussion. Councilmember Estatico moved to approve the consent agenda; Councilmember Tameron seconded, vote was called for and motion carried unanimously.

PUBLIC HEARING ON ORDINANCE NO. 15-133 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUPERIOR AMENDING ORDINANCE NO. 14-124 BY APPROVING ZONE CHANGE NO. 2015-06

Manager Margaret Gaston read the title of Ordinance No. 15-133 and called on Lawrence Tomasello to present his staff report. The public hearing was opened. The Council will hold the public hearing, and then the next agenda item is for the Council to address the Ordinance. Lawrence Tomasello stated **Recommendation:**

Town Council approve Ordinance No. 15-133; An Ordinance of the Town Council of the Town of Superior amending Ordinance No. 14-124 by approving Zone Change No. 2015-06.

Project Analysis:

During the study session of the Planning and Zoning Commission on August 20, 2015, staff was directed to bring back proposed revisions to the Town Center, Neighborhood Commercial, and General Commercial Zone Districts. In addition to that, staff is recommending replacement of a required conditional use permit for all new construction in the TC zone district with the approval process for design review. A new section for design review is designated as Section 3.10 of Article III of the Zoning Ordinance. Any proposed wording is identified by bold, italicized print, all wording that is not proposed will be struck through, and all wording that is unchanged will be in regular print.

ARTICLE III (Zoning Procedures)

§3.10 DESIGN REVIEW

A. Purpose and Intent

1. Reasonably ensure that construction of new buildings or structures and additions, renovations, and restorations to existing buildings or structures, including residential, institutional, commercial, and industrial development does not have an adverse aesthetic, health, safety or architecturally related negative impact upon existing adjoining properties, or the Town in general.
2. Minimize the effects of grading by discouraging mass grading to ensure that the natural character of terrain is retained.
3. Encourage improved drainage from lots directly to a street storm drain, or through public or privately maintained easements.
4. Encourage the use of a variety of housing styles, split level grading techniques, varied lot sizes, site design densities, varied setbacks, maintenance of views and arrangement, and spacing to reduce impacts on adjacent developed properties.
5. Encourage the use of energy conservation techniques in all new development.

Special Council Meeting

Page 4

December 9, 2015

B. Projects Requiring Design Review: No building permit for residential or commercial development, except for single family detached units and duplexes, shall be issued until the proposed project has received, as part of the building permit review process, design review approval pursuant to the provisions of this Chapter.

C. Town Council Review: The Town Council shall review an application for design review for projects that otherwise require approval by the Council.

D. Planning and Zoning Commission Review: The Planning and Zoning Commission shall review an application for design review for projects that otherwise require approval by the Commission.

E. Zoning Administrator Review: The Zoning Administrator shall review all applications for design review for projects that otherwise require approval by the Zoning Administrator.

F. Design Standards and Guidelines:

1. This Section includes guidelines for development and standards of design to be incorporated into a site plan. Other sections of this Code including requirements specific to the zoning district should also be incorporated into the site plan.

2. Scale and mass of developments should be compatible with the natural environment and not dominate it. Architectural features which serve to break up the massive appearance of a structure should be utilized. These features can include variation in roof forms, the use of dormers, covered walkways and patios. All features should be in proportion to the building. In some cases, it may be deemed more appropriate and desirable to use smaller buildings which are clustered rather than a single massive structure.

3. External building materials should be predominantly those that fit the natural landscape such as native stone, wood, broken faced block, exposed aggregate concrete, and stucco. The use of other materials such as synthetic or reprocessed stone and wood may be considered but will require that information be provided regarding manufacturing specifications, and product samples.

4. Color schemes should complement the architectural style and mass of the buildings.

5. Roofs should complement the color(s) of the proposed building(s). Screening of mechanical equipment is encouraged to maintain a desirable aesthetic quality from street level or from adjacent structures.

6. The use of materials and colors to enhance the building design and break up the monotony of massive structures is encouraged.

7. Parking lots should be designed to include adequate landscaping within the periphery and interior to break up the impermeable surface coverage. This may include the use of landscape islands within the parking lot, clustering parking spaces into islands rather than long rows, and utilizing a variety of landscape material and decorative fencing.

8. Signs shall comply with the provisions of Article XVII (Signs) of this Code.

9. Developments which incorporate energy conservation measures, water reuse, and material recycling are encouraged.

G. Application Required:

Special Council Meeting

Page 5

December 9, 2015

1. Any proponent, agent or sponsor of development or redevelopment shall first file a design review application.

2. The application shall contain the following:

a. A site plan, drawn to scale, showing the proposed location of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls. The site plan shall indicate the locations of off-street parking areas including entrances and exits and the direction of traffic flow into and out of the off-street parking area.

b. A landscape plan, drawn to scale, showing the locations of existing trees to be removed and trees to remain on site, the location and design of landscaped areas and the varieties and sizes of proposed plant materials. Also to be included are other landscape features such as sprinkler and irrigation systems.

c. Architectural drawings, drawn to scale, including all sides of building elevations and floor plans. All exterior surfacing materials and colors shall be specified.

d. Accurate scale drawings of all signs indicating their size height, material, color and illumination, if any.

e. Grading and drainage plans.

f. Such other data as may be required to permit the Town Manager, Commission, or Council to ensure that the purposes of this section are satisfied.

H. Lapse of Design Review Approval: Design review approval shall lapse and shall be void one (1) year following the date upon which the plans and drawings were approved unless, prior to the expiration date, a building permit is issued and construction is commenced and diligently pursued toward completion or an extension of time is granted by the approving body.

ARTICLE VII (Commercial Zone Districts)

§7.1 PERMITTED USES IN THE C-1 ZONE DISTRICT

A. Permitted uses in the Neighborhood Commercial (C-1) Zone District shall be ~~only those uses as follows: listed provided that all activities are conducted entirely within and enclosed building with no outside storage or display and excluding drive-through windows. Outdoor play area in association with a daycare center shall be permitted. Permitted uses are subject to all other applicable standards of this Ordinance.~~

1. Personal and household services, such as clothing alteration, seamstress shops, shoe repair shops, beauty and barber shops, jewelry and watch repair, small appliance repairs, newspaper stands, florists, and catering services.

2. Nurseries, flower and plant sales, provided all incidental equipment and supplies including fertilizer and cans are kept within a completely enclosed building or within an area enclosed and screened on all sides by a solid fence or wall.

3. Specialty retail stores including, but not limited to bicycle and sporting goods stores, delicatessens, coffee houses, bakeries, ice cream shops, candy shops, gifts, curios, stationery and cards.

4. Studios for the teaching of fine art, ~~excluding~~ including shops and galleries for retail sales.

Special Council Meeting

Page 6

December 9, 2015

5. Day care centers, including the required outdoor play area.
 6. ~~Mortuaries excluding crematories.~~
 7. Professional and administrative offices.
 8. Medical, dental, clinical offices, physical therapy facilities, and gymnasiums
 9. ~~Wireless communication towers and antennas provided that they are located on property owned, leased, or otherwise controlled by the Town of Superior.~~
 10. Solar siting and installation as set forth in Article XIII, §13.14 (Solar Siting).
 11. Banks, credit unions, financial companies, and investment companies.
 12. General office and retail use, such as dry goods and notions stores.
 13. Restaurants, bars or cocktail lounges, wine tasting rooms, coffee houses, and tea shops excluding drive-in and drive-through facilities.
 14. Owner occupied residential quarters on the second floor or to the rear of the building (not facing the street) provided the square footage of the residential quarters does not exceed the square footage of the commercial business portion of the building. A security guard or night-watchman quarters may be permitted provided it is an ancillary use and is contained within the commercial structure.
 15. Grocery and liquor stores, excluding big box stores, and ice and water sales.
 16. Antique stores and art galleries.
 17. Laundromats and dry cleaning facilities.
- B. No building permit shall be issued for a use not specifically mentioned in subsection 7.1.A of this Article unless a determination of similar use is made by the Planning and Zoning Commission and until the project has been approved by the Town.
- §7.2 USES SUBJECT TO A CONDITIONAL USE PERMIT IN THE C-1 ZONE DISTRICT
- Uses in the Neighborhood Commercial (C-1) Zone District that are subject to approval of an approved conditional use permit, in accordance with Section 3.3 of this Ordinance, are as follows:
- A. Bed and breakfast facilities.
 - B. Hotels and motels.
 - C. Apartment complexes, condominiums, or other multiple family residential projects.
 - D. Wireless communication towers and antennas.
- §7.3 PERMITTED USES IN THE GENERAL COMMERCIAL (C-2) ZONE DISTRICT:
- A. Permitted uses in the General Commercial (C-2) Zone District shall be ~~only those listed~~ uses as follows:
 1. Those uses that are permitted, and conditionally permitted, with the exception of subsection 7.2.5 (Wireless Communication Towers and Antennas) in the C-1 Zone District are permitted in the C-2 Zone District.
 2. Outdoor sales and displays are prohibited, except where one (1) or more of the following conditions are present:
 - a. Products and services displayed outdoors are customary, accessory, and incidental to those sold and displayed in a primary business being conducted in a permanent building on the property.

Special Council Meeting

Page 7

December 9, 2015

b. Outdoor sales and displays do not interfere with pedestrian access ways, fire lanes, required parking spaces, driveways, landscape areas, or traffic visibility at driveway entries and street intersections.

3. ~~Banks, credit unions, financial companies, and investment companies.~~

4. ~~General office uses.~~

5. Drive-in/drive-thru window facilities.

6. General retail such as: ~~drug store, dry good and notions store~~, appliance stores, home or hardware stores, and apparel stores.

7. Restaurants, including drive-in/drive-thru facilities.

8. ~~Medical, dental, and clinical laboratories.~~

9. Small animal hospitals or clinics, confined to completely enclosed, sound-attenuated facilities, subject to the following:

a. Animals shall not be boarded or lodged except for short periods of observation incidental to care or treatment.

b. No kennel or exercise runs will be permitted.

10. ~~Antique stores, art galleries.~~

11. ~~Hotels and motels.~~

12. ~~Dry cleaners and self-serve laundry.~~

13. Household rental services, sickroom or office equipment.

14. Pool and dance halls, bowling alleys and night clubs.

15. Grocery stores, including big box retail stores ~~video store~~ and other similar uses.

16. ~~Liquor store.~~

17. Movie theaters, excluding drive-in movie theaters.

18. Car washes and auto service stations.

19. Outdoor display areas for the sale of new or used automobiles, trucks, boats, trailers, recreational vehicles and manufactured homes, provided all sales and repair activities are conducted within a building.

20. General auto repair, excluding auto painting and body repair, provided all repairs operations are conducted within a building. ~~including an~~ Outside vehicle storage areas are to be used only for vehicles under repair which shall be screened from any street or surrounding property.

21. ~~Nurseries, flower and plant sales, provided all incidental equipment and supplies including fertilizer and cans, are kept within a completely enclosed building or within an area enclosed and on all sides by a solid fence or wall. at least six (6) feet high and no goods, materials or objects are stacked higher than the fence or wall.~~

22. Mini-storage facility, including an on-site night watchman's quarters, provided ~~they~~ the storage facility is are used solely for dead storage purposes, excluding hazardous materials such as flammable liquids, explosives, toxic substances and the like are prohibited.

23. ~~Wireless communication towers and antennas provided that they are located on property owned, leased, or otherwise controlled by the Town of Superior.~~

24. Solar siting and installation as set forth in Article XIII, §13.14 (Solar siting).

Special Council Meeting

Page 8

December 9, 2015

~~C. Owner occupied residential quarters are permitted within the commercial zoning districts provided the living quarters are wholly contained within the main structure of the commercial building. The square footage of the owner's residential quarters shall not exceed the square footage of the commercial business area. A security guard or night watch man's room may be permitted provided it is an ancillary use, is not a living quarters, and is confined within the commercial structure.~~

B. No building permit shall be issued for a use not specifically mentioned in subsection 7.1.A unless a determination of similar use is made by the Planning and Zoning Commission with appeal to the Board of Adjustment and until the site plan project has been approved by the Town.

§7.4 USES SUBJECT TO CONDITIONAL USE PERMIT IN THE C-2 ZONE DISTRICT
Uses permitted in the C-2 Zone District, after review and approval of a Conditional Use Permit in accordance with §3.3 of this Ordinance are as follows: ~~shall be as follows: Conditional uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town Council.~~

1. Amusement facilities, arcades, miniature golf, batting cages, go-cart tracks and similar uses.
2. Commercial kennels including outside runs.
3. Social service and community service agency facilities such as plasma centers, charity dining services, homeless shelters, day labor hiring centers, substance abuse detoxification and treatment centers, rescue missions, and other similar social service uses.
4. ~~Temporary uses such as revivals, carnivals, circus, auctions, holiday or seasonal sales boutiques or tree lots.~~
5. ~~Wireless communication towers and antennas not on property owned, leased, or otherwise controlled by the Town of Superior as approved in accordance with the requirements of Article XVI of this Ordinance.~~
6. Public schools, private schools, or parochial schools.
7. Churches or places of worship.

§7.5 PROHIBITED USES IN THE C-2 ZONE DISTRICT

The following uses are prohibited in the General Commercial (C-2) Zone District:

1. ~~Churches or places of worship, except those existing at the time of the adoption of this Ordinance.~~
2. ~~Churches or places of worship.~~

3. ~~There shall be no Manufacturing, compounding, processing or treatment of products other than that which is clearly incidental to a retail store or business, and where all such completed products are sold at retail on the premises.~~

ARTICLE VIII – TOWN CENTER (TC) ZONE DISTRICT

§ 8.1 PERMITTED USES IN THE (TC) ZONE DISTRICT

A. The following uses are permitted in the TC Zone District provided no new structures or no exterior modifications of existing buildings are proposed. Only permitted projects include interior modification to the building or change of use for an existing building. No new construction or exterior changes to existing buildings shall be permitted within the downtown

Special Council Meeting

Page 9

December 9, 2015

commercial area of the TC Zone District until the Planning and Zoning Commission has approved the project consistent with Article III, Section 3.10 (Design Review) and Section 8.3 (Design Standards and Requirements in the TC Zone District) of this Ordinance. This provision is to remain in effect until the Town approves design standards for the downtown commercial area of the TC Zone District. Once that has been accomplished, a revision to Article VIII (TC Zone District) will be reviewed by the Town Council upon recommendation of the Planning and Zoning Commission for future changes.

1. Personal and household services, such as clothing alteration, seamstress shops, shoe repair shops, beauty and barber shops, jewelry and watch repair, small appliance repairs, spas, chiropractors, massage therapy, holistic healing services, gymnasiums, and catering services.
2. Specialty retail uses including, but not limited to, gift shops, stationery and card stores, bookstores, florists, bakeries, delicatessens, coffee houses, ice cream shops, micro-breweries, wine tasting shops, and candy shops.
3. Apparel and accessories.
4. Art galleries, art supply shops, and art studios for the production and teaching of fine art. ~~when located above the first floor or behind the commercial frontage.~~
5. Antiques, crafts, and collectibles sales.
6. Restaurants (excluding drive-in/drive-thru facilities), cafeterias, taverns, and outdoor dining when ancillary to restaurant use, and bars or cocktail lounges.
7. Hotels and bed and breakfast facilities. ~~with all guest rooms located above the first floor.~~
8. Residential units ~~may only be permitted~~ when located above the first floor or behind a commercial business on the first floor for any TC-zoned property adjacent to Main Street. Otherwise a single residential dwelling, excluding manufactured homes, may be permitted.
9. Professional and administrative offices.
10. Medical, dental, clinical ~~offices~~ facilities, and gymnasiums.
11. Solar siting and installation as set forth in Article XIII, §13.14 (Solar siting).
12. Fine arts academies/studios, including dance, and music.
13. Performing arts and movie theaters within an enclosed structure.

B. No building permit shall be issued for a use not specifically mentioned in subsection 8.1.A unless a determination of similar use is made by the Planning and Zoning Commission with appeal to the Board of Adjustment ~~and until~~ once the ~~site plan~~ project has been approved by the Town.

§8.2 PROHIBITED USES IN THE TOWN CENTER (TC) ZONE DISTRICT

The following uses, ~~which are automobile-oriented, are generally contrary to the concept of a pedestrian-oriented retail town center, and they are, therefore,~~ are not permitted in the TC Zone District:

- A. Automotive service uses, including but not limited to, gasoline stations, repair or service facilities, and car washes.
- B. Sales of automobiles, motorcycles, motor homes, boats, and manufactured homes.
- C. Drive-in/drive-thru window facilities.

Special Council Meeting

Page 10

December 9, 2015

D. Churches or places of worship, except those existing at the time of the adoption of this Ordinance.

E. Public schools, private schools, or parochial schools.

F. Manufacturing, distribution or wholesale facilities.

G. Laundromats and dry cleaning facilities.

§8.3 DESIGN STANDARDS IN THE TC ZONE DISTRICT

A. General Architectural Requirements

1. New construction or reconstruction located within the TC Zone District shall be ~~differentiated from the old and will be~~ compatible with the historic materials, features, size, scale and proportions, and massing of the surrounding historic structures.

2. Construction of a new building, exterior alterations or additions to an existing building, or a more intense change in use of a building or outside area shall require approval of design review subject to section 3.10 of this Code prior to issuance of a building permit. ~~or a certificate of occupancy.~~

3. Match replacement doors and windows and/or new doors and windows as closely as possible to the original building or those of adjacent structures (in the case of new construction). Ensure that replacement doors and windows fill the entire opening and that they duplicate the original design as much as possible.

4. Whenever possible, relocate or screen outdoor utilities. Mechanical equipment must be screened from public view.

B. General Site Planning Requirements:

1. New construction projects shall provide ground floor retail space that opens directly on the street or pedestrian spaces.

2. All ~~required~~ off-street parking spaces shall be located in the rear or to the side of the structures to avoid visibility from public streets and the interruption of the pedestrian environment.

3. Bicycle parking facilities shall be encouraged and should be located near the pedestrian space and building entrance.

4. Link structures to the public sidewalk, where possible, with texture pavement, landscaping, street furniture, canopies or trellises.

~~5. Equipment such as, but not limited to, vending machines shall be prohibited unless in conjunction with an outdoor sidewalk café.~~

6. Canopies over the sidewalk are encouraged, subject to receiving an approved public encroachment permit and building permit.

C. Outdoor Sidewalk Café: Establishment of non-enclosed outdoor sidewalk café on private property and within the public rights-of-way ~~shall be~~ is encouraged in the downtown commercial area of the TC Zone District. Minimum dimensional and performance standards are established to ensure that the café design is functionally compatible with other needs and adjacent uses, and provides for the protection of public health, safety and welfare, and subject to Town approval.

1. Outdoor sidewalk cafés must not obstruct sidewalk pedestrian traffic or create public health and safety hazards.

2. Roof material covering an outdoor café may be temporary, fixed, or retractable, and can extend into the public right-of-way from the face of the building a maximum distance of ten (10)

Special Council Meeting

Page 11

December 9, 2015

feet, subject to an approved encroachment permit, but in no way shall the covering extend over on-street parking spaces, or the vehicular travel lane of the adjacent roadways.

3. Awnings, canopies, or similar protective shelters must be fire-treated or non-flammable, and be opaque.

4. A definable decorative barrier element which physically separates the outdoor café seating area from adjacent pedestrian traffic shall be provided. The design and materials of such barrier element must complement and be compatible to the architectural design of the restaurant's building façade.

5. All outdoor sidewalk cafés must be level with the adjacent pedestrian sidewalk and be handicap accessible.

6. Decorative/accent lighting may be incorporated into the outdoor café structure, awning, or canopy, and must meet all Town Code requirements.

D. Vacant Buildings: The appearance of vacant buildings does not contribute to the creation of a pedestrian environment in the TC Zone District. Since vacant buildings may inhibit the growth of the retail environment, special provisions are necessary to mitigate the impact of vacant buildings in the TC Zone District. Buildings within the TC Zone District shall give the appearance of use. The following regulations shall apply to all vacant retail space and are in addition to other requirements:

1. All windows and other openings of a vacant structure shall provide a window display or window covering that is aesthetically compatible.

2. Windows that are "boarded-up" or have security shutters shall be professionally decorated in a manner that is of an artistic quality. Expanded metal is not an acceptable material.

3. Upon receipt of a notice of noncompliance with this section, the property owner shall have ~~ninety (90)~~ sixty (60) days in which to provide the window display or covering.

4. Failure to provide the window display within the ~~ninety (90)~~ sixty (60) day period shall result in a violation of the ordinance.

§8.4 LANDSCAPE AND STREETSCAPE REQUIREMENTS

A. Landscaping Requirement:

1. Landscaping may include trees, shrubs, ground covers, vines, or potted annuals. The use of exotic species or allergenic species shall be prohibited. Landscaping within the public rights-of-way and parking areas shall be limited to those species listed in Appendix "B" unless otherwise approved by the Town Council.

2. Plant specifications:

Trees - Where required by this Ordinance shall be a minimum of fifteen (15) gallon size with forty (40) percent of the required number of trees to be twenty-four (24) inch box size or larger.

Shrubs - Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation with fifty (50) percent of the required number to be five (5) gallon in size.

Hardscape - Where required by this Ordinance, or as approved as part of a proposed project, shall include textured pavement, colored pavement, bricks, indigenous stone, broken faced concrete blocks, exposed aggregate concrete, stucco, or other similarly approved materials.

B. Main Street and Magma Avenue:

All landscape and hardscape improvements shall be consistent with the Town's adopted streetscape improvement plans, if such plans exist, and shall be installed, per plan, as part of the

Special Council Meeting

Page 12

December 9, 2015

on-site/off-site development improvement requirements for properties fronting Main Street and Magma Avenue.

C. Local Streets:

1. A minimum of one (1) tree shall be planted for every thirty (30) lineal feet of street frontage.
2. A landscape plan shall ~~be required to~~ be submitted to and approved by the Town for all new construction, additions, remodels, and renovation projects within the TC Zone District. Such plan shall contain botanical and common names for all trees, shrubs and groundcover, quantity, and size, as well as other landscape elements (e.g. boulders, decomposed granite, etc).
3. ~~A "Property Owner's Association" shall maintain all landscape and hardscaped areas, including that within the public rights-of-way, in accordance with the approved improvement plan.~~

D. Streetscape Requirements:

Benches, street lights, trash receptacles, street signs, planters, pots or other containers, and tree grates shall all be consistent in style with any the approved "Town Center Streetscape" and encouraged as part of the project design.

§8.5 COMPLIANCE WITH OTHER PROVISIONS

- A. General Provisions: The general provisions in Article XIII (General Provisions) of this Ordinance ~~herein~~ shall apply.
- B. Parking Regulations: The parking regulations are as provided in Article XIV (Parking Provisions) of this Ordinance ~~herein~~ shall apply.
- C. Outdoor Lighting: All outdoor lighting shall comply with Article XV ~~herein~~ (Outdoor Lighting Provisions) of this Ordinance.
- D. Signs: All signage shall comply with Article XVII ~~herein~~. (Sign Provisions) of this Ordinance.

§8.6 DENSITY, AREA, BUILDING AND YARD REGULATIONS

The chart which follows (Table No. 4) specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentage, and distance between buildings.

The public hearing was held. Roy Chavez, Pam Rabago and Dolly Chavez spoke. Mayor Valenzuela closed the public hearing.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. 15-133 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUPERIOR AMENDING ORDINANCE NO. 14-124 BY APPROVING ZONE CHANGE NO. 2015-06.

Manager Margaret Gaston read the title of Ordinance No. 15-133. Mayor Valenzuela called for any further discussion. Councilmember Alonzo moved that Ordinance No. 15-133 be approved; Councilmember Estatico seconded, vote was called for and motion carried unanimously.

PUBLIC HEARING ON ORDINANCE NO. 15-134 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUPERIOR AMENDING ORDEINANCE NO. 14-124 BY APPROVING ZONE CHANGE NO. 2015-07.

Special Council Meeting

Page 13

December 9, 2015

Manager Margaret Gaston read the title of Ordinance No. 15-134 and called on Mr. Lawrence Tomasello to present the staff report. The Public Hearing was opened. Mr. Tomasello stated on September 10, 2015, the Town Council directed staff to prepare a zone change that, if approved, would eliminate rear yard setbacks and parking requirements in the Town Center (TC) Zone District. Table No. 4 identifies the rear yard setback in the TC zone district as being 20 feet, which was reduced from 25 feet earlier this year. This directive, if approved, would reduce that rear yard setback to zero feet. It should be pointed out that parking for new development should not be a problem in the TC zone district. The existing code, as set forth in Section 14.6.A.5 (Modified Parking Requirements), states that if the required parking for a project cannot be provided, and it has been determined that every effort has been made by the applicant to comply with the code, the Town Council may, upon a finding that it is in the best interest of the Town to further waive the parking requirements in the TC zone district approve the project even though parking requirements can't be met. However, upon approval of this zone change, no on-site parking will be required in the TC zone district.

The Planning and Zoning Commissioners, at their November 19, 2015 public hearing, unanimously determined to reject Resolution No. 15-07; a resolution that, if passed, would recommend to the Town Council approval of Zone Change No. 2015-07. Additionally, it was brought to the attention of the Commission that during an economic development meeting at the Chamber, one of the issues that surfaced was a lack of parking in the downtown area.

Any proposed wording for the potential revisions to the Code is as follows: All wording that is proposed is identified by bold, italicized print, all wording that is to be eliminated is struck through, and all wording that is unchanged will be in regular print.

Item No. 1: Table No. 4 would be amended as shown below:

Article VIII (Town Center Zone District), Table No. 4 Zoning Ordinance Summary - Town Center Zone District

Zone District	Minimum Lot Area (sq. ft.)	Maximum Building Height (feet)	Minimum Yard Setbacks				Maximum Lot Coverage	Distance Between Buildings
			Front	Side	Street Side	Rear		
TC Commercial	3,000	30	0	0	0	20-0	See footnote b. below	0 ^c
TC Residential	5,000	24	20	10	20	25	60%	6 ^c

Item No. 2: Article XIV: Section 14.6 (Adjustments to Parking Requirements)

No on-site parking is required in the Town Center Zone District. However, if on-site parking is to be provided, the standards of Article XIV (Parking Provisions) shall apply.

A. ~~Modified Parking Requirements in the Town Center Zone District:~~

Special Council Meeting

Page 14

December 9, 2015

1.—— Modified parking requirements have been developed for use in the Town Center zone district as an incentive to preserve and maintain existing historic structures and to encourage new structures that are compatible with the historic character of the downtown area. The Planning and Zoning Commission shall have the authority to approve a request for a parking adjustment subject to the provisions of this Section, the decision of which may be appealed to the Town Council as provided in §3.7 of this Ordinance.

2.—— For land uses located in the Town Center zone district, off-street parking requirements may be modified by the Planning and Zoning Commission by utilizing any combination of the following techniques:

a.—— A reduction of the required number of parking spaces by thirty (30) percent.

b.—— The crediting of on-street parking spaces which are adjacent to the frontage of the designated structure/site towards the total number of required off-street parking spaces required for the use, provided that a determination is made that such on-street parking will remain available for public parking during business hours in the future.

c.—— Allow the use of off-site parking in parking lots that are located within four hundred (400) feet of the structure where the applicant has provided adequate incentives for the use of such parking lots.

d.—— Allow vehicles to back out onto alleys or streets where it is determined that visibility is good and such backing out of vehicles can be done safely.

e.—— Allow fifty (50) percent of a parking lot, located on the site of the structure/use to be compact spaces.

f.—— Allow tandem parking where it is determined that such parking would be effectively and safely used.

g.—— Provide for in-lieu fees where such fees are applied to an identified parking district or other similar mechanism that will contribute to the development of public parking within the general area.

3.—— Notice of an application for a parking adjustment shall (1) be published in a newspaper of general circulation not less than fifteen (15) days prior to the date set for a public hearing before the Planning and Zoning Commission/Town Council and (2) the notice shall also be mailed to property owners, as shown on the latest County tax role, within a three hundred (300) foot radius from the external boundaries of the property proposed for the modification.

4.—— Findings for Approval: The Planning and Zoning Commission and/or the Town Council shall find as follows:

a.—— The proposed parking modification and use of the structure is necessary or desirable for the greater development of the community, is in harmony with the various elements and objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the Town Center zone district.

b.—— That approving the proposed parking adjustment and use will significantly improve the possibility that structures will be preserved and maintained.

c.—— That the required parking cannot be provided without the approval of the requested adjustment.

d.—— That the proposed parking scheme will function safely.

e.—— That the approval of the parking adjustment will not harm the integrity of the structure of the surrounding neighborhood.

5.—— Off-street parking and loading requirements, as specified in this Article may be further modified by the Town Council for properties located within the Town Center zone district when it has been

Special Council Meeting

Page 15

December 9, 2015

Sections 4.6 and 4.7, and the Town Council determines that it is in the best interest of the Town to further wave the parking requirements set forth in this Article.

6. ~~As a condition of approval to the granting of a reduction in required parking, the Planning and Zoning Commission may require the granting of reciprocal access and parking agreements with surrounding properties, recordation of conditions, covenants, and restrictions, or creation of other legal instruments to assure the permanent continuation of the circumstances under which parking requirement reductions were granted.~~

During the public hearing Councilmember Tameron asked about the new restaurant that was opened, which is in an established building, and also about the theater which might be built someday. Roy Chavez, Pamela Rabago, Freddie Miramon and Bruce Armitage spoke. The issue of parking was discussed thoroughly. The Manager stated there is one other lot available on Main Street which is next to the VFW. The site plan was approved, now the building will be designed and go through this same process. There being no further discussion, the Mayor closed the public hearing.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. 15-134 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUPERIOR AMENDING ORDINANCE NO. 14-124 BY APPROVING ZONE CHANGE NO. 2015-07.

Manager Margaret Gaston read the title of Ordinance No. 15-134 into the record. Mayor Valenzuela called for discussion from the Council. There were questions for Lawrence Tomasello, Zoning Administrator, and Town Attorney Steve Cooper. Discussion ensued regarding parking, available lots, rebuilding a building, and Roy Chavez's proposed building. Again, the Council wants a work session in the future with Planning and Zoning Commission. Councilmember Estatico moved to approve Ordinance No. 15-134 as amended; (amended accepting zero setbacks which eliminates parking requirements); Councilmember Besich-Lira seconded; vote was called for and motion carries unanimously.

DISCUSSION AND POSSIBLE APPROVAL OF SPECIAL EVENT LIQUOR LICENSE FOR THE SUPERIOR CHAMBER OF COMMERCE FOR THE HOME TOUR EVENT AT THE MAGMA CLUB ON JANUARY 30, AND 31, 2016.

Town Manager Margaret Gaston stated the Superior Chamber of Commerce has submitted to the Town for their approval, two special event liquor licenses. The first one is for the Magma Club during the Home Tour Event on January 30, and 31, 2016. There will be no charge; beer or wine is offered to attendees at the Magma Club while they browse the Antique Show. This is a major event for Superior and one the Chamber does quite well. Manager stated she has noticed even the signs directing traffic to the different homes on the tour, are normally down by Monday morning, after the event.

The Superior Chamber of Commerce is also requesting a Special Event Liquor License for the Apache Leap Mining Festival, but for one day only, on March 12, 2015, Saturday, noon to 10:00 p.m. The Apache Leap Mining Festival dates are March 10, 2015, through the 13th. The event

Special Council Meeting

Page 16

December 9, 2015

is on Main Street, but the Chamber will have a Beer Garden on Neary between the Bob Jones Museum and Besich Park. Maps were attached for both requests and the full applications are attached. These items are listed as two separate agenda items. The Council will need to discuss these items and then vote to approve or disapprove. The Mayor will then sign the application appropriately. Manager recommended the Council approve both requests for the Special Event Liquor License.

The Manager was asked why this is not on the consent agenda, Manager stated because this is for the Arizona Board of Liquor Licenses and Control, not a Town of Superior Alcohol Permit. The Special Event Alcohol Permit has to be a separate agenda item. Councilmember Besich-Lira moved to approve the Special Event Liquor License for the Superior Chamber of Commerce at the Magma Club on January 30, and 31, 2016; Vice Mayor Lopez seconded, vote was called for and motion carried unanimously.

DISCUSSION AND POSSIBLE APPROVAL OF SPECIAL EVENT LIQUOR LICENSE FOR THE SUPERIOR CHAMBER OF COMMERCE FOR THE APACHE LEAP MINING FESTIVAL, MARCH 12, 2016, ONLY, FOR A BEER GARDEN ON NEARY ST.

Mayor Valenzuela read the title of this agenda item. Councilmember Besich-Lira moved to approve the special event liquor license for the Superior Chamber of Commerce for the Apache Leap Mining Festival Beer Garden on Neary St.; Vice Mayor Lopez seconded; vote was called for and motion carried unanimously.

DISCUSSION AND POSSIBLE APPROVAL OF A NEW POLICY FOR THE HIRING OF RESERVE OFFICERS FOR THE POLICE DEPARTMENT

Mayor Valenzuela requested Town Manager Margaret Gaston to present this agenda item. Margaret Gaston stated normally, when we hire a new officer or a new reserve officer the Town pays for the physical exam and the polygraph as part of their background check. This new policy is for the hiring of a new reserve officer only. Chief Neuss came up with the idea, because it is so expensive. It is approximately \$500, total, to have a physical exam and then a polygraph test. We do have a fairly high turnover rate of Reserve Officers as they get permanent jobs elsewhere. This makes it very expensive for the Town. Also, it is great to have the Reserve Program, because each of these officers can possibly one day be a full time officer for the Town of Superior. We currently have about fourteen applicants that want to reserve for the Town of Superior. The Reserve Officer works two days for free for the Town each month. They supply their own uniforms. In return, the reserve wears the Town of Superior's uniform and works off duty jobs, which can pay pretty well.

Each new reserve would pay for their own physical exam and polygraph. The information will be sent to the Superior Police Department to be included in the background check, and will become the property of the Superior Police Department. We will not reimburse the Reserve Officer at any time for the polygraph or physical exams.

Special Council Meeting

Page 17

December 9, 2015

Chief Neuss checked with Arizona Post who approved the new policy, it was sent to Steve Cooper who approved the policy, and I sent it to Arizona Municipal Risk Retention Pool who has no problem with it also. In fact, they asked me to check with their consultant, who thought it was a very innovative and progressive idea, that would save other small towns a lot of money. The consultant could have charged us for checking the policy out, and did not charge us, he thought it was such a good idea. I applaud Chief Neuss for coming up with this idea. Chief Neuss added his own staff report. I do recommend the Council approve the new hiring policy for Reserve Officers. Manager Gaston also stated Sergeant Doran was at the meeting to answer any questions. Mayor Valenzuela called for comments. Mayor Valenzuela asked about having the reserves sign a contract for stay with the Town for a certain period of time. Manager Gaston stated they pay for their uniforms, and now will pay for the polygraph and medical exam, but a contract is not part of this new policy. Sgt. Doran stated they could look into that. Mayor Valenzuela called for a motion. Councilmember Estatico moved to approve the new policy for the hiring of reserve officers for the Police Department; Councilmember Alonzo seconded; vote was called for and motion carried unanimously.

DISCUSSION AND POSSIBLE APPROVAL OF RENEWAL OF SAFETY MINER'S LEASE AGREEMENT.

Mayor Valenzuela requested Margaret Gaston, Town Manager, to present this agenda item. Margaret Gaston stated in November Ron Murphy, Safety Miners, LLC, requested in writing the Lease Agreement between Safety Miners and the Town of Superior be renewed for one more year with all of the same conditions. A copy of the original lease and also the addendum the Council approved last spring was given to Council. The original lease was signed in September of 2014.

Safety Miners has done a wonderful job on the lower classrooms, and are still making improvements. Safety Miners has completed building an office for the Town Manager in the upper section of the school, and satisfied the addendum agreement. No other class rooms in the upper section have been rented out, or remodeled at this point in time. A wall with a door in the hallway in the upper section was built, and looks very nice. This gives the Town access to our portion and we were able to remove that big gate that was there.

Safety Miners has been paying their rent, \$150 towards utilities and also paying the additional utility charges as needed. This has been a help to the Town and has worked for all of us. Safety Miners has done some classes for the Town employees, and also MSHA or OSHA classes for others.

Margaret did contact Steve Cooper and he felt the Town Council should vote on renewing the lease with Safety Miners LLC. Ron Murphy also noted they would not pay any rent for the top half of the school for the next year because of the new office for the Town Manager. Safety Miners has totally renovated the lower section of the school and are still making more

Special Council Meeting

Page 18

December 9, 2015

improvements. This is something the Town could not have completed. Margaret Gaston recommended the Council approve renewing the lease with all the other terms and conditions as before. Mayor Valenzuela recommended to the Council they should take a tour some time of the lower section of the School. Safety Miners has done a great job of renovating the school. Any further discussion? Mayor Valenzuela called for a motion. Councilmember Aguilar moved to approve the renewal of Safety Miner's Lease Agreement; second by Councilmember Besich-Lira; vote was called for and motion carried unanimously.

CALL TO THE PUBLIC

Mayor Valenzuela opened the Call to the Public. Nancy Garcia spoke about an incident at Town Hall and the Town's code of conduct. Rita Martinez spoke also regarding the Town Code of conduct, mission statement and procedures. Freddie Miramon thanked the LDS group that was in superior that helped clean the cemetery. People in Superior really appreciate it. Freddie Miramon also spoke about employee retention; regarding new employees and employees that have been here for a long time. Mayor Valenzuela asked if anyone else would like to address the Council. No one responded.

SUMMARY OF CURRENT EVENTS

Mayor Valenzuela called for current events.

Councilmember Besich-Lira: the businesses on Main Street will be having 2nd Friday events, the first one is on Dec. 11, 2015. The 14th of December is a Chamber meeting on economic development. The Copper Corridor will offer training again in January; Councilmember Besich-Lira also appreciates the Planning and Zoning Commission and all of their hard work, she would like to see a work session with Planning and Zoning and the Council. She wished everyone a Merry Christmas.

Councilmember Aguilar wanted to thank the Optimists and the Town for Besich Park and the decorations. It looks really nice. Merry Christmas and Happy New Year!

Councilmember Alonzo – He appreciates Planning & Zoning and what they do. The Council does not always make a popular vote. Some ideas will be passed and some will be rejected. Planning and Zoning has done a lot of hard work. Thank you. Merry Christmas.

Councilmember Estatico - John Cox passed away a long time resident of the town and he worked at the school. The memorial will be Friday at 4 pm in the multipurpose room. The JFK Christmas program will be Thursday evening at 6:30 pm and the DECCA Club will have a Feed the Soul through the Heart meal on Saturday at 6:00 pm. All proceeds go to the Superior Food Bank. Steve also stated he would appreciate a work session on zoning. Merry Christmas.

Councilmember Tameron: He would like to have annexation on the next agenda to see where we are; Councilmember Tameron stated the zoning issues are very confusing and he would like a workshop; and Happy Holidays to everyone.

Special Council Meeting

Page 19

December 9, 2015

Vice Mayor Lopez – Congratulated the Optimist Club on the success of the light parade and the Miracle on Main Street event. She reminded everyone it is basketball season and please go out and cheer them on; Vice Mayor Lopez also commends the Planning and Zoning Commission for all of their hard work. Happy holidays and be safe.

Mayor Valenzuela: Happy Holidays and a safe holiday; Planning & Zoning, again, you are a vital part of our future of Superior, and all of our employees are also. We look forward to 2016; as part of that today Councilmember Tameron, Vice Mayor Lopez and Mayor Valenzuela met with Sue Anderson, President of the Chamber, to look forward to working more together and be on the same page for their issues and our issues. It's a positive step forward. Mayor Valenzuela also read a letter from two women from Mesa that were thanking John Tameron and his wife for their help, and Southwest Towing also, because it was a holiday weekend. These two women felt that people from Superior are "superior" in their actions.

Manager Margaret Gaston stated have a Merry Christmas and Happy New Year; enjoy the holidays with family.

SCHEDULING OF MEETINGS AND EVENTS

Planning & Zoning Meeting for December was cancelled.

Town Hall is closed December 25, 2015, and January 1, 2016.

Council Meeting is January 14, 2016

EXECUTIVE SESSION

Pursuant to A.R.S. Section 38-431.03(AS)(1) and (3);

- a. Discussion of employment of public officer – Town Clerk including possible discussions Of the following:
 - 1. Termination or
 - 2. No action taken on matter
- b. Legal advice (if requested by Town Council) with Town Attorney

At this time Steve Cooper explained the Town Manager received a letter from Town Clerk Rachelle Sanchez asking this item be discussed in Public Session. Town Attorney Steve Cooper stated if the Council wants to move forward with item a, they can, or if they want legal advice first, they can adjourn into Executive Session for Legal Advice.

Councilmember Alonzo moved to go into Executive Session for Legal Advice with the Town Attorney, and Town Manager, for no longer than 30 minutes; Vice Mayor Lopez seconded; motion carried unanimously. Council adjourned into executive session at 8:59 p.m. Regular Session was reconvened at 9:17 p.m.

Special Council Meeting

Page 20

December 9, 2015

Personnel Action

Discussion of employment of Rachelle Sanchez, Town Clerk, including possible actions of one (1) of the following:

- a. Termination of Town Clerk
- b. No action taken on matter or Instruct Town Manager and/or legal Counsel to proceed as direction in Executive Session.

Mayor Valenzuela asked what was the wishes of the Council. Councilmember Alonzo stated he would like to give Rachelle Sanchez a chance to have her comments heard by the Council. Rachelle Sanchez started her statement, when she was reminded she cannot call employees by their name, since they were not told they would be discussed in a public meeting. Rachelle Sanchez made several statements:

- Coworkers afraid for their jobs
- Hostile work environment
- She completed journal entries
- Cash withdrawals were made in May of \$302.50; 202.50 December 24 of \$403.00, and December 31 \$403.00
- No documentation for cash withdrawals or who had the debit card or receipts
- APS bills were coded incorrectly
- She performed assorted tasks: journal entries, bank reconciliations, and finance did not know everything there is to know
- Rachelle made statements regarding the informal evaluation she was given

At the end of her statement, Mayor Valenzuela again went over the possible actions the Council can take and if there was a motion. Councilmember Besich-Lira asked if they could ask questions regarding the cash withdrawals and why the proper evaluation form was not used. Mayor Valenzuela called on Manager Gaston. Manager Gaston stated it was an informal evaluation to try to correct problems and move forward. Also, the Manager noted according to the Town Code, the Town Clerk is also the Town Treasurer. It is the Clerk's responsibility to also oversee the financial aspects of the Town. This is normal for any small town. The two withdrawals at the casino were brought forward to Margaret's attention by Matt Bingham. Margaret checked the sign out sheet for the card kept at Town Hall. No one had the card on that day. Margaret stated she called the Mayor and talked to him. The Mayor came in and paid the money back; the Town has the documentation to show a copy of his receipt and the deposit made to cover the amount.

Mayor Valenzuela then spoke and said yes, he had used the wrong card. The debit cards are similar and they had the same pin number. Mayor Valenzuela stated the pin number was assigned by the bank. Mayor Valenzuela apologized and stated he has changed his pin. Again, he acknowledged it was him, it was a mistake, and he did pay it back to the Town. Mayor

Special Council Meeting

Page 21

December 9, 2015

Valenzuela uses the card to pick up permits for the Town, he paid fees at the County for the Town, he picks up items for Public Works when they need them, or for Town Hall. Mayor Valenzuela has also used the card in Superior when there's an event on the weekend and the Town needs some more hot dogs, fuel for backhoe and no one had their ADOT card. It's been a convenience for Town government for him to have the card. Mayor Valenzuela is open to an investigation if the Council desires to have one. He will cooperate with whatever has to be done. Councilmember Alonzo stated the Town has the other receipts for how the card has been used, the Town has the receipt showing the money was paid back, it's just Ms. Sanchez stated there was no receipt for this one. Mayor Valenzuela stated the issues were addressed with the auditors. Mayor Valenzuela brought the focus back to the performance of Rachelle Sanchez as Town Clerk.

Councilmember Estatico stated there was a breakdown in communications and he doesn't think it can be fixed. Councilmember Estatico asked that Ms. Gaston show the transactions for the credit card to the Council. Councilmember Besich-Lira asked also that transactions be written up and receipts shown to the Council. Councilmember Aguilar stated that all employees are asked to do extra jobs. Councilmember Tameron stated the chain of command should be followed. Councilmember Alonzo stated there is an issue in the office dynamics. Also, an employer development plan for employees should be established. We should try to lead the employees and let them know what is expected of them.

Mayor Valenzuela asked about the agenda item: item A termination of Town Clerk, or B, no action taken. Councilmember Estatico moved to terminate Rachelle Sanchez as Town Clerk; second by Councilmember John Tameron; all in favor raise your hand: Councilmembers Estatico, Tameron and Aguilar voted aye: Nays: Vice Mayor Lopez, and Councilmembers Alonzo and Besich-Lira voted nay; vote was tied; Mayor Valenzuela voted to terminate. Motion passes 4-3.

Appointment of Interim Town Clerk. Vice Mayor Lopez moved to appoint Margaret Gaston as Interim Town Clerk; second by Councilmember Aguilar; vote was taken and motion carried unanimously.

EXECUTIVE SESSION

A. Confidentiality Statement

At the April 20, 2014, Council meeting the following members of the Superior Town Council declared a conflict of interest concerning matters involving Resolution Copper: Mayor Valenzuela, Vice Mayor Lopez, and Councilmembers Aguilar and Tameron. Due to the four conflicts of interest the Superior Town Council would not be able to discuss matters involving Resolution Copper. However, pursuant to A.Q.R.S. 38-508 if conflicts of interest prevent a Town from acting as required by law in its official capacity, such

Special Council Meeting

Page 22

December 9, 2015

action shall not be prevented if the Councilmembers who have apparent conflicts make known their conflicts of interest in the official records of the Town.

Due to the fact the Mayor, Vice Mayor and two Councilmembers have publically declared their conflicts of interest at the prior Council Meeting and the Town Council would not be able to address matters involving Resolution Copper, these Councilmembers are authorized to participate in matters involving Resolution Copper pursuant to A.R.S. 38-508.

- B. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts, contracts subject to negotiation and or in settlement discussions conducted in order to avoid or resolve litigation.

Resolution Copper status of negotiations concerning possible Emergency Services Agreement

Mayor Valenzuela called for a motion to adjourn into Executive Session: Councilmember Besich-Lira made a motion to go into Executive Session for 30 minutes with the Town Attorney and Town Manager; Second by Vice Mayor Lopez; vote was called for and motion carried unanimously. Meeting adjourned into executive session at 10:04 p.m.

Regular Session

Mayor Valenzuela reconvened Regular Session at 10:22 p.m. Council directed the Town Attorney to proceed as directed in Executive Session.

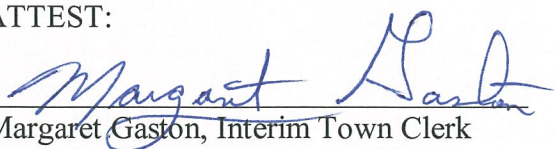
ADJOURNMENT

There being no further business before the Council, the Mayor called for a motion adjourn. Councilmember Tameron moved to adjourn; Councilmember Aguilar seconded; vote was called for and motion carried unanimously. Meeting adjourned at 10:23 p.m.



Jayme Valenzuela, Mayor

ATTEST:



Margaret Gaston, Interim Town Clerk

APPROVED AS TO FORM:



Stephen R. Cooper, Town Attorney